

Adopt Tra 700 to read as follows:

CHAPTER Tra 700 E-ZPass ELECTRONIC TOLL PAYMENT

PART Tra 701 E-ZPass VIOLATIONS

Tra 701.01 Purpose and Scope.

(a) The purpose of this part is to set forth the duties and responsibilities of E-ZPass account-holders, the department, and the department's customer service vendor with respect to an electronic toll payment violation.

(b) This part shall apply to electronic toll violations, only. This part shall not apply to any other toll violations.

(c) All information received or collected by the department in the course of administering the E-ZPass electronic toll collection system shall be used only for the purposes set forth in RSA 237:16-e.

Tra 701.02 Definitions.

(a) "Account holder" means a person or corporation who has established an account with the vendor for one or more vehicles to be recognized as participating in E-Z Pass.

(b) "Administrative fee" means a financial penalty imposed by the department pursuant to RSA 236:31, IV (d).

(c) "Administrative fine" means a financial penalty imposed by the division pursuant to RSA 263:56-f, II.

(d) "Department" means the department of transportation.

(e) "Division" means the division of motor vehicles, department of safety.

(f) "E-ZPass" means the electronic toll collection system established pursuant to RSA 236:31, I(c).

(g) "Order of suspension" means that the division has suspended the driving privileges, motor vehicle registration or motor vehicle resident plates upon a finding that the account holder or vehicle owner is liable for a violation of electronic toll payment.

(h) "Patron fare indicator" means a device attached to each island traffic light to display a range of messages related to tolls or the E-ZPass account.

(i) "Restoration fee" means the cost for reinstatement of driving privileges, resident plates, and motor vehicle registration imposed by the division pursuant to RSA RSA 263:56-f, V(b).

(j) "Vehicle classification" means the toll category, based upon the type of vehicle, number of axles, dual tires, or both, used to determine the toll due.

(k) "Vendor" means the department's designee contractually obligated to operate the customer service center.

(l) “Violation” means “violation” as defined in RSA 236:31, I(h), namely “to fail, neglect, or refuse to pay the toll or charge for the use of the bridge, highway, or part thereof, by a motor vehicle.”

Tra 701.03 Detection of Violation.

(a) The department shall install and operate the following equipment in each lane designated for electronic toll payment:

- (1) An antenna to read the transponder of the vehicle passing through the lane to obtain account information;
- (2) An optical vehicle scanner to verify the vehicle classification of the vehicle passing through the lane;
- (3) A 2-contact treadle to determine the total number of axles on the vehicle passing through the lane;
- (4) A camera at the entrance of the lane and another at the exit of the lane positioned to capture images of the vehicle’s front and rear registration plates when a potential violation has been detected; and
- (5) An island traffic light and a patron fare indicator that shall display “Go E-ZPass” for a completed transaction or “Call E-ZPass” if the transaction is not completed.

(b) The information obtained pursuant to (a), above, shall be used to determine the toll amount to be paid for that vehicle. If there are sufficient funds in the account-holder’s account to pay the amount due, such amount shall be deducted from the account, the island traffic light shall turn green, and the transaction completed.

(c) A potential violation shall be deemed to have occurred if:

- (1) The vehicle has no transponder or if no transponder was detected;
- (2) The vehicle has an invalid transponder, or a lost or stolen transponder that has been reported as such;
- (3) There are insufficient funds in the account-holder's account to pay the toll amount due; or
- (4) Any combination of (1) - (3) is true.

(d) If a potential violation has been detected, the cameras shall capture images of the front and rear registration plates of the vehicle in the electronic toll lane. Such images shall be captured only if a potential violation has been detected.

(e) The cameras shall be positioned so as to attempt to not capture the image of the face of any operator or passenger in the motor vehicle unless, pursuant to RSA 236:31, V, “the production of such image is unavoidable because the operator or passenger is not in a passenger compartment, as on a motorcycle.” Such images shall be stored in computers maintained by the department. Such images shall be stored by the department for a maximum of 7 days.

(f) Following detection of a potential violation, the department shall provide to the driver of the vehicle the following visual and auditory signals if no transponder is detected:

- (1) The island traffic light shall remain blank;
- (2) A red beacon mounted on top of the island traffic light shall flash;
- (3) An alarm shall sound;
- (4) A “CALL E-ZPass” message will be displayed on the patron fare indicator.

(g) Following detection of a potential violation, the department shall provide to the driver of the vehicle the following visual and auditory signals if an invalid, lost, or stolen transponder is detected:

- (1) The island traffic light shall turn green; and
- (2) A “CALL E-ZPass” message shall be displayed on the patron fare indicator.

Tra 701.04 Vendor Responsibilities.

(a) On at least a daily basis the vendor shall retrieve the captured potential violation images from the computers maintained by the department pursuant to Tra 701.03(d).

(b) The vendor shall use the captured images of the vehicle to determine the registration plate number of the vehicle. Once the vendor has determined the registration plate number, the vendor shall match it against each database of account-holders to which it has access. If a positive match is made and the account-holder has sufficient funds in the account to pay, the full amount of the toll shall be deducted from the account-holder's prepaid toll balance and the transaction shall be completed. If a positive match is not made the vendor shall send the New Hampshire registration plate number to the department of safety, division of motor vehicles, or to the appropriate state's analogous motor vehicle agency, to obtain the name and address data of the registered owner of the vehicle.

(c) Upon receipt by the vendor of the data provided by the division or the appropriate state's analogous motor vehicle agency, or if there are insufficient funds in the account-holder's prepaid toll balance, the vendor shall prepare an advisory and payment request that shall be sent to the vehicle owner or account-holder within 30 days of the date of the violation. Each advisory and payment request shall be in 2 sections, a demand section, and a dispute section.

(d) The demand section of each advisory and payment request prepared pursuant to (c), above, shall include:

- (1) The following information regarding the violation:
 - a. The violation number assigned to the incomplete transaction by the E-ZPass system;
 - b. The registration plate number of the vehicle;
 - c. The name of the toll plaza;
 - d. The lane number;

- e. The date and time;
 - f. The unpaid toll due; and
 - g. An image of the registration plate of the vehicle for which the toll was not collected as it passed through the electronic toll lane;
- (2) A demand for payment of the toll due and a \$25.00 administrative fee;
- (3) Instructions as to how payment may be made, which shall be by either of the following methods:
- a. A check or money order:
 - 1. Payable to E-Z Pass;
 - 2. With the violation number(s) written on the payment; and
 - 3. Mailed to the vendor in the courtesy envelope provided; or
 - b. Authorization of payment by credit card; and
- (4) A statement indicating that the failure either to pay the outstanding toll amount and administrative fee within 60 days of the date of violation or provide the documentation required pursuant to (e)(1), below, shall cause the department to seek an order of suspension pursuant to RSA 263:56-f.
- (e) The dispute section of each advisory and payment request prepared pursuant to (c), above, shall include:
- (1) A statement advising the account-holder that the account-holder will not be required to pay the outstanding toll amount and administrative fee if the account-holder provides to the vendor the information and documentation required pursuant to RSA 236:31, III(a) or (b);
 - (2) A designated space for the account-holder to explain and certify the circumstances surrounding an inadvertent violation;
 - (3) A statement that the \$25.00 administrative fee shall not accompany payment of the toll amount owed if the account-holder claims an inadvertent violation and pays the outstanding toll amount;
 - (4) An option for the New Hampshire account-holder to authorize payment of the toll and the administrative fee by including the account-holder's:
 - a. Name;
 - b. E-ZPass account number; and
 - c. Transponder number;

(5) An option for a holder of a non-New Hampshire account to authorize payment of the toll and the administrative fee by including the account-holder's:

- a. Name;
- b. E-ZPass account number; and
- c. Transponder number; and

(6) A place for the account-holder to certify the truthfulness of facts and information the account-holder has provided on the form to dispute the toll violation by providing the following:

- a. The account-holder's name and complete mailing address;
- b. The account-holder's daytime and evening phone numbers;
- c. The account-holder's signature;
- d. The date the dispute form was signed by the account-holder; and
- e. The date and time;

(f) If the account-holder pays the outstanding toll amount and the \$25.00 administrative fee before the 61st day following the violation, the transaction shall be completed and no further action shall be taken.

(g) If the account-holder fails to pay the outstanding toll amount and the \$25.00 administrative fee before the 61st day following the violation, the vendor shall report such nonpayment to the division, and provide a copy of such report to the department.

PART Tra 702 E-ZPass RESPONSIBILITY OF ACCOUNT-HOLDER AND DEPARTMENT.

Tra 702.01 Account-holder Responsibilities.

(a) The account-holder shall affix the transponder to the vehicle according to the instructions described in the account contract terms and conditions as follows:

- (1) Sit inside your vehicle facing forward;
- (2) Select a location behind and to the right of the rearview mirror and one inch below the window frame; and
- (3) Peel off the plastic backing and with the E-Z Pass logo facing you, right side up, affix the transponder to the selected spot on the inside of your windshield.

(b) A transponder may be used in multiple vehicles of the same classification.

(c) To keep the account satisfactorily funded, the account-holder shall maintain at least the minimum funding levels established in the account contract terms and conditions as follows:

- (1) For a passenger car, \$30.00 for 2 transponders and \$60.00 for 4 transponders; and

(2) For a commercial vehicle, \$75.00 for each transponder ordered

(d) The account-holder shall notify the vendor of all changes in information provided on the application for the account, including:

- (1) Registration plate numbers;
- (2) The make, model, color, and year of each vehicle covered under the account;
- (3) Method or source of payment; or
- (4) Changes in vehicle class.

(e) The account-holder shall respond to a notice of violation by:

- (1) Paying the outstanding toll amount and the \$25.00 administrative fee or authorizing charges to their E-Z Pass account;
- (2) Not paying the outstanding toll amount and the \$25.00 administrative fee and providing the documentation required pursuant to Tra 701.04(e)(1) to the vendor; or
- (3) Paying the outstanding toll amount but not paying the \$25.00 administrative fee and explaining and certifying the circumstances surrounding an inadvertent violation.

(f) The account-holder may request a review by the department of the vendor's determination regarding payment of administrative fees and tolls. The request shall be made to the department at the following address:

Hearings Officer
Room 188
7 Hazen Drive
Concord, NH 03301

(g) The account-holder shall certify the truthfulness of facts and information the account-holder has provided on the form to dispute the toll violation by providing the following:

- a. The account-holder's name and complete mailing address;
- b. The account-holder's daytime and evening phone numbers;
- c. The account-holder's signature;
- d. The date the dispute form was signed by the account-holder; and
- e. The date and time;

(h) The account-holder shall pay all outstanding toll amounts, administrative fees, and administrative fines determined by the division to be owed by the account-holder.

(i) The account-holder shall make payment of outstanding tolls and administrative fees to the vendor at all times.

(j) Pursuant to Saf-C 217.02, the account-holder may request an administrative hearing with the division within 30 days of notice of suspension if they dispute payment of the outstanding toll and administrative fee.

Tra 702.02 Department Responsibilities.

(a) The department shall maintain computer images of all front and rear vehicle registration plates of potential violators for access by the vendor as provided for in Tra 701.03(d).

(b) Pursuant to RSA 263:56-f, V (a), the department shall provide notice to the division when all tolls, fees, fines have been paid.